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February 3, 2014

VIA E-MAIL

Denton County Elections Administration
701 Kimberly Drive, Suite A101
Denton, TX 76208
E-mail: elections@dentoncounty.com

Re: Public Records Request re Provisional Ballots in Denton County

Dear Sir/Madam:

We write on behalf of the Texas State Conference of NAACP Branches and the Mexican American Legislative Caucus of the Texas House of Representatives — organizations that are involved in litigation against officials of the Texas Secretary of State and the Texas Department of Public Safety over Texas's photo voter ID law — to request public records, regardless of format, medium or physical characteristics, under the Texas Public Information Act, Chapter 552, Section 21 of the Texas Government Code. Specifically, we seek any records that contain, or from which we can deduce, the following information with respect to the November 2013 general election, including the early voting period beginning on October 21, 2013:

- (1) The number of provisional ballots that were cast; 77
- (2) The number of provisional ballots that were accepted under Tex. Elec. Code § 65.054; 5
- (3) The number of provisional ballots that were distributed to voters under Tex. Elec. Code § 63.001(g) because they did not meet the photo identification requirements; 11
- (4) The number of provisional ballots identified above in (3) that were rejected; 9
- (5) The names and any contact information of voters who voted provisionally because they lacked the requisite form of identification;

Jens?
Joan Gans?




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- (6) The number of provisional ballots that were cast because the election official determined that, although the voter presented one of the requisite forms of identification, the name on the identification was not "substantially similar" to the name on the voter rolls; 
- (7) The number of provisional ballots identified above in (6) that were rejected; 
- (8) The names and any contact information of voters who voted provisionally because, although the voter presented one of the requisite forms of identification, the name on the identification was not "substantially similar" to the name on the voter rolls; 
- (9) Any instructions, guidance, and training given to poll workers regarding implementation of the requirements of Tex. Elec. Code § 63.001(b) that persons must provide certain specified identification in order to cast a regular ballot in early voting or on Election Day;
- (10) Any instructions, guidance, and training given to poll workers regarding providing written notice to voters who are required to cast provisional ballots because they did not meet the identification requirements under Tex. Elec. Code § 63.001(g);
- (11) Any instructions, guidance, and training given to poll workers regarding implementation of the requirements of Tex. Elec. Code § 63.001(c) that the name on the identification provided to vote must be the same or "substantially similar" to the name on the voter rolls; and
- (12) Any standard form or notice provided to voters who cast provisional ballots because they did not meet the identification requirements under Tex. Elec. Code § 63.001(g).

Please note that we are requesting documents pertaining to Denton County only.

In the event that some portions of the requested records are considered exempt from disclosure, please disclose any reasonable, non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments and that



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those non-exempt segments are so dispersed throughout the documents as to make separation impossible, please state what portion of the document is non-exempt and how the material is dispersed throughout the document. If a request is denied in whole, please specifically state the grounds on which the request is denied.

If the documents are available in electronic format, please provide electronic copies. If your office estimates the cost of providing any such records at more than \$500, please notify us before proceeding with efforts to fulfill this request. If the public records described are not in your custody or control, please notify us in writing and state in detail the reason for the absence of the records, the location of the records, and the person who has custody or control of the records.

We would appreciate the requested materials at your earliest convenience, and we are happy to work with you to make this request as easy to fulfill as possible. We are also happy to receive records on a rolling basis, as they are located, to expedite their disclosure. We are available to discuss any other ways to facilitate and simplify the process of responding to this request in accordance with the Texas Public Information Act. Please do not hesitate to contact us if you would like any additional clarification on this request. We can be reached at (512) 394-3027 or by email at Lindsey.Stelcen@dechert.com. Thank you in advance for your time and assistance.

The responsive documents may be sent by e-mail to Lindsey.Cohan@dechert.com, by fax to (512) 394-3001, or by mail to:

Lindsey Cohan
Dechert LLP
300 W. 6th Street, Suite 2010
Austin, TX 78701

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Lindsey Cohan", written over the printed name.

Lindsey Cohan

AW745-33, 9/13 Prescribed by Secretary of State Sec. 61.013, Election Code	Type of Election / Tipo de Elección <u>2013 CONST. AMEND</u>	Precinct No. where voted Núm. de Precincto/lugar de votación <u>4034-04</u>	Precinct No. where registered (if known) Núm. de Precincto-inscripción para votar (si se sabe) <u>4034-04</u>	Date of Election / Fecha de la Elección <u>11-5-2013</u>	Authority Conducting Election / Autoridad Administrando la Elección <u>DENTON Co.</u>
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Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional) (Ballot number if using DRE _____)

TO BE COMPLETED BY VOTER: I am a registered voter of this political subdivision and in the precinct in which I'm attempting to vote and have not already voted in this election (either in person or by mail). I am a resident of this political subdivision, have not been finally convicted of a felony or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I understand that giving false information under oath is a misdemeanor, and I understand that it is a felony of the 2nd degree to vote in an election for which I know I am not eligible.

PARA QUE EL VOTANTE LO LLENE: Estoy inscrito como votante en esta subdivisión política y en el precinto en cual estoy intentando a votar y aun no he votado en esta elección (en persona o por correo). Soy residente de esta subdivisión política, no he sido definitivamente declarado culpable de un delito grave o si soy el autor de un delito grave, he cumplido toda mi condena inclusive el período de encarceramiento, la libertad condicional, la libertad supervisada, la libertad vigilada, o he sido indultado. No me han determinado por un juicio final de una corte de la legalización de un testamento, ser totalmente incapacitado mentalmente o parcialmente incapacitado sin el derecho de votar. Entiendo que dar información falsa bajo juramento es un delito menor y también entiendo que es un delito grave de 2º grado votar en una elección sabiendo que no cumplo con los requisitos necesarios.

Last Name /Apellido usual <u>WHIGHAM</u>	First Name / Su nombre de pila <u>JOAN</u>	Middle Name (if any) / Segundo nombre (si tiene)	Former Name / Nombre anterior
Residence Address: Street Address and Apartment Number, City, State, and ZIP. If none, describe where you live (Do not include PO Box, Rural Rt. Or Business Address). Domicilio: calle y número de apartamento, Ciudad, Estado, y Código Postal. A falta de estos datos, describa la localidad de su residencia. (No incluya el apartado de correos, camino rural, ni dirección comercial). [REDACTED]			Gender: (Optional) / Sexo (Opcativo) <input type="checkbox"/> Male (Hombre) <input type="checkbox"/> Female (Mujer)
Mailing Address: City, State, and ZIP. If mail cannot be delivered to your residence/address, / Dirección postal: Ciudad, Estado y Código Postal (si es imposible entregarle correspondencia a su domicilio). [REDACTED]			Date of Birth: Month, Day, Year Fecha de nacimiento: mes, día, año [REDACTED]
TX Driver's License No. or Personal I.D. No. (Issued by Dept of Public Safety) Número de su licencia de conducir de Texas o de su Cédula de Identidad expedida por el Departamento de Seguridad Pública de Texas. [REDACTED]	Social Security No. (last 4 digits required if you do not have a driver's license or I.D. number) / Número de Seguro Social. (Si no tiene licencia, de conducir ni identificación personal, se requieren los últimos 4 números de su seguro social) <u>XXX-XX-□□□□</u>		<input type="checkbox"/> I have not been issued a TX driver's license personal identification number or Social Security Number. Yo no tengo una licencia de conducir de Texas/Cédula de identidad personal de Texas ni un Número de Seguro Social.
Check appropriate box: ARE YOU A UNITED STATES CITIZEN? Marque el cuadro apropiado: Soy ciudadano/a de los Estados Unidos Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Sí No		Signature of Voter / Firma del votante <u>X Joan Whigham</u>	

AWP-13-53, 9/13 Prescribed by Secretary of State Sec. 63.011, Election Code	Type of Election / Tipo de Elección	Precinct No. where voted Núm. de Precincto donde se votó	Precinct No. where registered (if known) Núm. de Precincto donde se registró (si se sabe)	Date of Election / Fecha de la Elección	Authority Conducting Election / Autoridad Administrando la Elección
Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional) (Ballot number if using DRE _____)					
<p>TO BE COMPLETED BY VOTER: I am a registered voter of this political subdivision and in the precinct in which I'm attempting to vote and have not already voted in this election (either in person or by mail). I am a resident of this political subdivision, have not been finally convicted of a felony or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I understand that giving false information under oath is a misdemeanor, and I understand that it is a felony of the 2nd degree to vote in an election for which I know I am not eligible.</p> <p>PARA QUE EL VOTANTE LO LLENE: Estoy inscrito como votante en esta subdivisión política y en el precinto en el cual estoy intentando a votar y aun no he votado en esta elección (en persona o por correo). Soy residente de esta subdivisión política, no he sido definitivamente declarado culpable de un delito grave o si soy el autor de un delito grave, he cumplido toda mi condena inclusive el periodo de encarcelamiento, la libertad condicional, la libertad supervisada, la libertad vigilada, o he sido indultado. No me han determinado por un juicio final de una corte de la legalización de un testamento, ser totalmente incapacitado mentalmente o parcialmente incapacitado sin el derecho de votar. Entiendo que dar información falsa bajo juramento es un delito menor y también entiendo que es un delito grave de 2º grado votar en una elección sabiendo que no cumplo con los requisitos necesarios.</p>					
Last Name /Apellido usual		First Name / Su nombre de pila	Middle Name (if any) / Segundo nombre (si tiene)	Former Name / Nombre anterior	
Residence Address: Street Address and Apartment Number, City, State, and ZIP. If none, describe where you live (Do not include PO Box, Rural Rt. Or Business Address)		Gender: (Optional) / Sexo (Opcional)		Date of Birth: Month, Day, Year	
Domicilio: calle y número de apartamento, Ciudad, Estado, y Código Postal. A falta de estos datos, describa la localidad de su residencia. (No incluya el apartado de correos, camino rural, ni dirección comercial.)		<input type="checkbox"/> Male (Hombre) <input checked="" type="checkbox"/> Female (Mujer)		Fecha de nacimiento: mes, día, año	
Mailing Address: City, State, and ZIP. If mail cannot be delivered to your residence address. / Dirección postal: Ciudad, Estado y Código Postal (Si es imposible entregarle correspondencia a su domicilio).		TX Driver's License No. or Personal I.D. No. (Issued by Dept of Public Safety)		Social Security No. (last 4 digits required if you do not have a driver's license or I.D. number) / Número de Seguro Social. (Si no tiene licencia, de conducir ni identificación personal, se requiere los últimos 4 números de su seguro social)	
SAA		I have not been issued a TX driver's license/ personal identification number or Social Security Number. Yo no tengo una licencia de conducir de Texas/Cédula de identidad personal de Texas ni un Número de Seguro Social.			
Check appropriate box: ARE YOU A UNITED STATES CITIZEN? Marque el cuadro apropiado: Soy ciudadano/a de los Estados Unidos		Yes <input checked="" type="checkbox"/> SI NO <input type="checkbox"/>		Signature of Voter / Firma del votante	
				X	

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AWT-15-53, 9/13 Prescribed by Secretary of State Sec. 40.011, Election Code	Type of Election / Tipo de Elección CONSTITUTIONAL	Precinct No. where voted Núm. de Precincto-lugar de votación 1006-23	Precinct No. where registered (if known) Núm. de Precincto-inscrito para votar (si se sabe) 1006	Date of Election / Fecha de la Elección NOV. 5, 2013	Authority Conducting Election / Autoridad Administrando la Elección DENTON CO
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Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional) (Ballot number if using DRE _____)

TO BE COMPLETED BY VOTER: I am a registered voter of this political subdivision and in the precinct in which I'm attempting to vote and have not already voted in this election (either in person or by mail). I am a resident of this political subdivision, have not been finally convicted of a felony or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I understand that giving false information under oath is a misdemeanor, and I understand that it is a felony of the 2nd degree to vote in an election for which I know I am not eligible.

PARA QUE EL VOTANTE LO LLENE: Estoy inscrito como votante en esta subdivisión política y en el precinto en cual estoy intentando a votar y aun no he votado en esta elección (en persona o por correo). Soy residente de esta subdivisión política, no he sido definitivamente declarado culpable de un delito grave o si soy el autor de un delito grave, he cumplido toda mi condena inclusive el período de encarcelamiento, la libertad condicional, la libertad supervisada, la libertad vigilada, o he sido indultado. No me han determinado por un juicio final de una corte de la legalización de un testamento, ser totalmente incapacitado mentalmente o parcialmente incapacitado sin el derecho de votar. Entiendo que dar información falsa bajo juramento es un delito menor y también entiendo que es un delito grave de 2º grado votar en una elección sabiendo que no cumplo con los requisitos necesarios.

Last Name / Apellido usual LOOMIS	First Name / Su nombre de pila JANE	Middle Name (if any) / Segundo nombre (si tiene) ALISON	Former Name / Nombre anterior TEACHENOK
Residence Address: Street Address and Apartment Number, City, State, and ZIP. If none, describe where you live (Do not include PO Box, Rural Rt. Or Business Address). Domicilio: calle y número de apartamento, Ciudad, Estado y Código Postal. A falta de estos datos, describa la localidad de su residencia. (No incluya el apartado de correos, camino rural, ni dirección comercial.) [REDACTED]			Gender: (Optional) / Sexo (Opcional) <input type="checkbox"/> Male (Hombr) <input checked="" type="checkbox"/> Female (Mujer)
Mailing Address: City, State, and ZIP. If mail cannot be delivered to your residence address. / Dirección postal: Ciudad, Estado y Código Postal (si es imposible entregarle correspondencia a su domicilio). JAME			Date of Birth: Month, Day, Year Fecha de nacimiento: mes, día, año [REDACTED]
TX Driver's License No. or Personal I.D. No. (Issued by Dept. of Public Safety) Número de su licencia de conducir de Texas o de su Cédula de Identidad expedida por el Departamento de Seguridad Pública de Texas. [REDACTED]		Social Security No. (last 4 digits required if you do not have a driver's license or I.D. number) / Número de Seguro Social. (Si no tiene licencia, de identificación personal, se requiere los últimos 4 números de su seguro social). [REDACTED]	<input type="checkbox"/> I have not been issued a TX driver's license or personal identification number or Social Security Number. Yo no tengo una licencia de conducir de Texas, Cédula de identidad personal de Texas ni un Número de Seguro Social.
Check appropriate box: ARE YOU A UNITED STATES CITIZEN? Marque el cuadro apropiado: Soy ciudadano/a de los Estados Unidos Yes <input checked="" type="checkbox"/> SI NO <input type="checkbox"/> No		Signature of Voter / Firma del votante X Jane Loomis	

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